



#25
MLW

PATENT
Docket No. 415852000100
Client Ref. VS:WS:FP10412

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on January 10, 2002.

[Signature]
McLeung

RECEIVED

JAN 30 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In the application of:

Jeffrey John GORMAN

Serial No.: 09/202,035

Filing Date: December 17, 1998

For: VIRAL PEPTIDES WITH
STRUCTURAL HOMOLOGY TO
PROTEIN G OF RESPIRATORY
SYNCYTIAL VIRUS

Examiner: B. Li

Group Art Unit: 1648

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

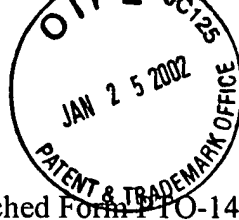
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

01/29/2002 HMOHAMM1 00000023 031952 09202035

01 FC:126 180.00 CH



RECEIVED

JAN 30 2002

TECH CENTER 1600/2900

The documents listed on the attached Form PTO-1449 were cited in a Search Report mailed on September 21, 2001 (copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

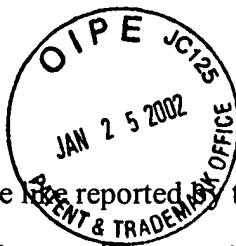
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

JAN 30 2002

TECH CENTER 1600/2900



(iii) the information, protocols, results and the ~~not~~ reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 415852000100. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 10, 2002

Respectfully submitted,

By: _____

Jill A. Jacobson
Jill A. Jacobson
Registration No. 40,030

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5876
Facsimile: (650) 494-0792



Gp #18484

PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/02. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|-------------------------|---------------------|--|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/202,035 | RECEIVED JAN 3 0 2002 TECH CENTER 1600/2900 |
| | Filing Date | December 17, 1998 | |
| | First Named Inventor | Jeffrey John GORMAN | |
| | Group Art Unit | 1648 | |
| | Examiner Name | B. LI | |
| Total Number Of Pages In This Submission | 13 Pages + 4 References | Attorney Docket No. | 415852000100 |

ENCLOSURES (check all that apply)

| | | |
|--|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (original + 1 for fee processing (2 pages total)) | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declarations | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | - copy of Search Report dated September 21, 2001 (5 pages) |
| <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement (3 pages) | <input type="checkbox"/> Request for Refund | - Form PTO-1449 (original + copy (2 pages total)) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | - 4 References |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | - Return Receipt Postcard |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

| | |
|-------------------------|---|
| Firm or Individual Name | Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018 |
| Signature | <i>Jill A. Jacobson</i> |
| Date | January 10, 2002 |

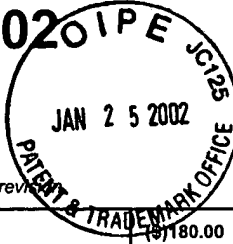
CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on January 10, 2002.

Mei Loung
Mei Loung

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual review.

TOTAL AMOUNT OF PAYMENT

\$180.00

Complete if Known

Application Number 09/202,035

Filing Date December 17, 1998

First Named Inventor Jeffrey John GORMAN

Examiner Name B. LI

Group Art Unit 1648

Attorney Docket No. 415852000100

RECEIVED

JAN 30 2002

TECH CENTER 1600/2900

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

- ☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|-------------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES

| | Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|-----------------|-------------------|----------|
| | 250 | - 250** = | 0 | \$0 |
| Independent Claims | 4 | - 4** = | 0 | \$0 |
| Multiple Dependent | | | | \$0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------------|-----------------------|----------------------|-----------------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claims, if not paid |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$0)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions of the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | 180 |
| 581 | 40 | 581 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$180.00)

SUBMITTED BY

| | | | | | |
|-------------------|------------------|--------------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Jill A. Jacobson | Registration No. (Attorney/Agent) | 40,030 | Telephone | (650) 813-5876 |
| Signature | Jill A. Jacobson | | | Date | January 10, 2002 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

pa-657394

| | | |
|--|--------------------------------------|-------------------------------|
| Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i> | Docket Number 415852000100 | Application Number 09/202,035 |
| | Applicant Jeffrey John GORMAN | |
| | Filing Date December 17, 1998 | Group Art Unit 1648 |
| | Mailing Date January 10, 2002 | |

U.S. PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Name | Class | Subclass | Filing Date If Appropriate |
|----------------------|-------------|------------|--------------|-------------|-------|----------|-------------------------------|
| Bee | 1. | 09/05/2000 | 6,113,911 | Binz et al. | — | — | |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Ref. No. | Date | Document No. | Country | Class | Subclass | Translation YES NO |
|----------------------|-------------|------------|--------------|---------|-------|----------|-----------------------|
| Bee | 2. | 10/13/1995 | FR 2 718 452 | France | — | — | Derwent Abstract |

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

| Examiner Initials | Ref. No. | Title |
|----------------------|-------------|--|
| Bee | 3. | Langedijk, J. et al. (1997). "Antigenic Structure of the Central Conserved Region of Protein G of Bovine Respiratory Syncytial Virus," <i>J. Virology</i> 71(5): 4055-4061. |
| Bee | 4. | Simard, C. et al. (1997). "Subgroup Specific Protection of Mice from Respiratory Syncytial Virus Infection with Peptides Encompassing the Amino Acid Region 174-187 from the G Glycoprotein: The role of Cysteiny Residues in Protection," <i>Vaccine</i> 15(4):423-432. |

EXAMINER:

Marginal

DATE CONSIDERED:

02/22/02

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Notice of References CitedApplication/Control No.
09/202,035Applicant(s)/Patent Under
Reexamination
GORMAN, JEFFREY JOHNExaminer
Bao Qun LiArt Unit
1648

Page 1 of 1

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification | |
|---|---|--|-----------------|-----------|----------------|-------|
| | A | US-6,077,511- | 06-2000 | Langedijk | 424 | 186.1 |
| | B | US- - | | | | |
| | C | US- - | | | | |
| | D | US- - | | | | |
| | E | US- - | | | | |
| | F | US- - | | | | |
| | G | US- - | | | | |
| | H | US- - | | | | |
| | I | US- - | | | | |
| | J | US- - | | | | |
| | K | US- - | | | | |
| | L | US- - | | | | |
| | M | US- - | | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | | Date MM-YYYY | Country | Name | Classification | |
|---|---|--|---|-----------------|---------|------|----------------|--|
| | N | - | - | | | | | |
| | O | - | - | | | | | |
| | P | - | - | | | | | |
| | Q | - | - | | | | | |
| | R | - | - | | | | | |
| | S | - | - | | | | | |
| | T | - | - | | | | | |

NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | Guichard et al. PNAS U.S, 1994, Vol. 91, pp. 9765-9769. |
| | V | Introduction of proteins: The primary level of protein structure in Biochemistry, Edited by Bowen et al. 1991, pp. 139. |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

| | | | |
|-----------------------------------|---------------------------------------|--|-------------|
| Notice of References Cited | Application/Control No. 09/202,035 | Applicant(s)/Patent Under Reexamination GORMAN, JEFFREY JOHN | |
| | Examiner Bao Qun Li | Art Unit 1648 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|--------------|----------------|
| | A | US-5,149,650 | 09-1992 | Wertz et al. | 424/243 |
| | B | US- | | | |
| | C | US- | | | |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
| | I | US- | | | |
| | J | US- | | | |
| | K | US- | | | |
| | L | US- | | | |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
|---|---|--|-----------------|---------|------|----------------|
| | N | | | | | |
| | O | | | | | |
| | P | | | | | |
| | Q | | | | | |
| | R | | | | | |
| | S | | | | | |
| | T | | | | | |

NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.